

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

CENGAGE LEARNING, INC., BEDFORD,
FREEMAN & WORTH PUBLISHING GROUP, LLC
d/b/a MACMILLAN LEARNING, MCGRAW HILL
LLC, and PEARSON EDUCATION, INC.,

Plaintiffs,

v.

DOES 1 – 50 d/b/a Library Genesis, bookwarrior,
cdn1.booksdl.org, jlibgen.tk, libgen.ee, libgen.fun,
libgen.gs, libgen.is, libgen.lc, libgen.li, libgen.pm,
libgen.rocks, libgen.rs, libgen.space, libgen.st,
libgen.su, library.lol, and llhf.com,

Defendants.

Civil Action No. 23-cv-08136-CM

DECLARATION OF LASHONDA MORRIS

I, LaShonda Morris, hereby declare, pursuant to 28 U.S.C. § 1746, as follows:

1. I am employed by Pearson Education, Inc. (“Pearson”) as the Supervisor, Global Intellectual Property Enforcement. I have worked for Pearson for over 24 years. Among other responsibilities, I oversee Pearson’s efforts to protect its intellectual property and work to ensure that Pearson’s copyrights are protected, including in connection with online piracy matters.

2. I submit this declaration in support of Plaintiffs’ Motion for Entry of a Default Judgment, Permanent Injunction, and Post-Judgement Relief Order (the “Motion”) against Defendants Does 1-50 d/b/a Library Genesis, bookwarrior, cdn1.booksdl.org, jlibgen.tk, libgen.ee, libgen.fun, libgen.gs, libgen.is, libgen.lc, libgen.li, libgen.pm, libgen.rocks, libgen.rs, libgen.space, libgen.st, libgen.su, library.lol, and llhf.com (collectively, “Defendants”). I have knowledge of the facts stated herein based on personal knowledge and my review of the documents, files, websites, and other items referenced herein. If called upon to do so, I am able

to testify competently to the matters as stated herein.

PEARSON'S BUSINESS AND VALUABLE WORKS AND MARKS

3. Pearson is one of the leading higher education publishers in the United States. Now based in New Jersey, for many years (until 2018), Pearson had its headquarters in New York City, where it continues to do substantial business. Pearson is committed to creating and publishing copyrighted works that advance learning and, each year, publishes thousands of valuable educational works. Working with authors who are experts in their fields, Pearson develops, markets, distributes, and sells a wide range of educational content and tools to professionals, educators, and students. Pearson's works include physical and digital textbooks, which are among the most popular and widely used titles in their fields. In creating these textbooks, Pearson and its authors engage in an ongoing creative process, collaborating closely to select, plan, create, write, edit, organize, and arrange the content within the textbook, and actively review and update the content based on their expertise, research, and analysis, and the needs of the scholastic community. Pearson also invests significant time and money into publishing its works, including in content creation and in the support, advertisement, marketing, and promotion of its works in the United States. Pearson and its predecessors have a long history in the publishing industry and, through decades of effort, built a reputation for publishing works of the highest quality.

4. Pearson owns or exclusively controls the copyrights in its works or derivative works described in Exhibit A to the Complaint ("Authentic Works"), which are registered with the U.S. Copyright Office. Exhibit A to the Complaint includes the applicable title, edition, copyright registration number, and copyright registration date for each of Pearson's Authentic Works that Defendants have infringed. The Authentic Works included in Exhibit A to the

Complaint are by no means an exhaustive list of Pearson's works that Defendants have infringed via the Libgen website (the "Libgen Sites" or "Sites").

DEFENDANTS' INFRINGING ACTIVITIES

5. On the Libgen Sites, Defendants list over 10,000 files with Pearson identified as the publisher. Accordingly, Defendants have reproduced and distributed an untold number of digital copies of Pearson's textbooks. Pearson has not granted any license or otherwise authorized Defendants or the Sites to reproduce or distribute any copies of its copyrighted works.

6. At Pearson's request, a team at Oppenheim + Zembrak, LLP ("O+Z") downloaded copies of the Authentic Works from the Libgen Sites. I confirmed that these files are in fact unauthorized copies of the Authentic Works.

7. Pearson has sent tens of thousands of notices of infringement to Defendants informing them of specific instances of infringement of Pearson's works on the Sites. Defendants have failed to act on the overwhelming majority of those notices.

DEFENDANTS CAUSE SUBSTANTIAL INJURY TO PLAINTIFFS

8. Pearson invests substantial resources to combat online piracy of its works, which is rampant, and Defendants are among the worst offenders. Defendants compete with Pearson by distributing infringing copies of its works for free. When consumers obtain copies of Pearson's works from the Libgen Sites instead of through legitimate channels, no remuneration is provided to Pearson or its authors for the substantial investments they have made to create and publish the works. Moreover, social media is rife with messages to students instructing or encouraging them to use the Libgen Sites to obtain their textbooks instead of paying for lawful textbooks.

9. Defendants' unlawful conduct also devalues the textbook market. When consumers can acquire textbooks for free, they are less likely to be willing to pay fair value for them and more likely to be unaware or unappreciative of the substantial time and money invested

in producing them. A substantial decline in revenue from sales could cause Pearson to cease publishing certain works.

I declare under penalty of perjury that the foregoing is true and correct.


LASHONDA MORRIS

Executed on this 8th day of February 2024.